

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

No. 14-46566

JAMES and MARY TURNER,

Debtors.

KATHRYN A. ELLIS, as Trustee for the
estate of James and Mary Turner,

Adv. No.

Plaintiff,

COMPLAINT FOR TURNOVER OF
MONEY DUE AND OWING

vs.

ANIL and ANNIE ABRAHAM, husband and
wife and the marital community composed
thereof,

Defendants.

COMES NOW the Plaintiff, Kathryn A. Ellis, by and through the undersigned attorney,
in her capacity as duly appointed Chapter 7 Trustee, for her Complaint for Turnover of Money
Due and Owing, alleges as follows:

PARTIES

1. The debtors filed a Chapter 7 Bankruptcy Petition on December 12, 2014. The
Plaintiff, Kathryn A. Ellis, is the duly appointed Chapter 7 Trustee for the debtors.

2. Upon information and belief, the Defendants, Anil and Annie Abraham, are
individuals believed to reside in the State of Washington, County of King. Defendant Anil
Abraham is married to Defendant Annie Abraham and all acts complained of herein were taken

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COMPLAINT FOR TURNOVER OF MONEY DUE AND OWING - 1

1 on behalf of the marital community.

2 **JURISDICTION**

3 3. This Court has jurisdiction over this matter under Chapter 7 of Title 11 of the
4 United States Code (the "Bankruptcy Code") pursuant to 28 U.S.C. §§ 151, 157, and 1334.
5

6 4. This adversary proceeding is commenced pursuant to Rule 7001 et seq. of the
7 Federal Rules of Bankruptcy Procedure and § 542 of the Bankruptcy Code.

8 5. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

9 6. This is a core proceeding pursuant to 28 U.S.C. § 157 (b)(2)(A), (E) and/or (O).
10

11 **FACTS**

12 7. Plaintiff re-alleges and incorporates by this reference each and every allegation
13 set forth in Paragraphs 1 through 6 above, inclusive, as though fully set forth herein.

14 8. On December 12, 2014, the debtors filed a petition for relief in bankruptcy.

15 9. On information and belief, debtor Mary Turner was previously employed by
16 Defendants and was issued a payroll check on or about March 10, 2014 in the amount of
17 \$3,922.22 that was returned to the debtors for insufficient funds.
18

19 10. At the time of filing, debtor Mary Turner had not yet been repaid by Defendants
20 for the wages owed to debtor Mary Turner.

21 11. On information and belief, debtor Mary Turner had, pre-petition, made numerous
22 requests for payment without success.

23 12. On January 23, 2015, the estate made written demand on Defendants for turnover
24 of the funds due and owing to debtor Mary Turner.

25 13. Defendants requested to pay the balance to the estate in monthly installments,
26
27
28

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with the balance to have been paid in full on or before June 15, 2017, as follows:

Time Period	Amount Per Payment	Number of Payments	Total
July 15, 2016 - September 15, 2016	\$150.00	3	\$450.00
October 15, 2016 - December 14, 2016	\$250.00	3	\$750.00
January 15, 2017 - March 15, 2017	\$400.00	3	\$1,200.00
April 15, 2017 - May 15, 2017	\$500.00	2	\$1,000.00
June 15, 2017	\$522.00	1	\$522.00
		TOTAL	\$3,922.00

14. On July 18, 2016, Defendants started making payments to Plaintiff that total \$2,900.00 to date.

15. However, since the last payment on April 24, 2017, and despite multiple written requests, Defendants have either failed or refused to tender the remaining balance due in the amount of \$1,022.00 or otherwise respond.

CAUSE OF ACTION

16. Plaintiff re-alleges and incorporates by this reference each and every allegation set forth in Paragraphs 1 through 15 above, inclusive, as though fully set forth herein.

17. Defendants owes a debt that is property of the estate that is matured and payable.

18. The debt owed to the estate is not otherwise subject to any offset.

19. Defendants have failed or refused to turnover the remaining funds due and owing to the estate in the amount of \$1,022.

WHEREFORE, Plaintiff requests as follows:

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1. That Plaintiff be awarded judgment against Defendants in the amount of \$1,022.00, together with interest accruing thereon from the date of first demand, January 23, 2015;

2. That Plaintiff be awarded its reasonable costs and attorney fees pursuant to applicable Washington State law; and

3. For such other and further relief as the Court deems just and proper.

DATED this 13th day of December, 2017.

By: /s/ Kathryn A. Ellis
Kathryn A. Ellis, WSBA #14333
Attorney for Plaintiff

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